

Notice of Allowability

Application No.

10/696,679

Examiner

Samuel J Walk

Applicant(s)

LEONE, STEVEN V.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ The drawings filed on 29 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/29/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frank Cona on 04/20/2005.

Examiner notes that Daniel Daisak is the attorney of record; however, Mr. Daisak explained through an Interview on 04/19/2005 that the case was recently transferred to Mr. Cona within Tyco which is evident from Miscellaneous Letters on the record sent by Mr. Cona.

Please renumber Claims and amend dependencies as follows:

~~12~~ 11. The apparatus of claim ~~11~~ 10,

~~13~~ 12. The apparatus of claim ~~12~~ 11,

~~14~~ 13. The apparatus of claim ~~13~~ 12,

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~~15~~ 14. The apparatus of claim 9,

~~16~~ 15. The apparatus of claim 10,

~~17~~ 16. The apparatus of claim 9,

~~18~~ 17. The apparatus of claim ~~17~~ 16,

~~19~~ 18. The apparatus of claim 9,

~~20~~ 19. An article comprising:

~~21~~ 20. The apparatus of claim ~~20~~ 19,

~~22~~ 21. An electronic article surveillance deactivator,

~~23~~ 22. The apparatus of claim ~~22~~ 21,

~~24~~ 23. The apparatus of claim ~~22~~ 21,

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Allowable Subject Matter

2. The following is a statement of reasons for the indication of allowable subject matter: Applicant's invention has been found to be novel because prior art fails to show a signal representing zero-crossings, retrieving a dwell time based on said period, generating a second signal based on the first signal and said dwell time and then creating a magnetic field based on said second signal to deactivate an electronic article surveillance marker.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Belka (US 6696951) discloses field creation in a magnetic electronic article surveillance system. Maitin (US 6181249) discloses a coil driving circuit for EAS marker deactivation device. Kopp (US 6084514) discloses an apparatus for deactivation of electronic article surveillance tags. Zarembo (US 6002335) discloses a small magnet resensitizer apparatus for use with article surveillance systems. Lian (US 5495230) discloses a magnetomechanical article surveillance marker with a tunable resonant frequency. Wheeler (US 5353011) discloses a electronic

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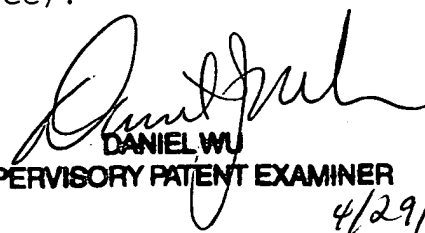
article security system with digital signal processing and increased detection range.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DANIEL WU
SUPERVISORY PATENT EXAMINER
4/29/05